

Chapter 10: Appeals and Reviews

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■ Appeals and Reviews Under WMS Rules

The Washington Management Service (WMS) establishes what items in the rules can be appealed to the Personnel Appeals Board versus those issues that are reviewed through an agency. This was done to create more efficient and timely processes to resolve disputes about the application of the WMS rules.

Appeals to Personnel Appeals Board

The following items are appropriate for appeal to the Personnel Appeals Board utilizing existing procedures:

- Disciplinary actions.
- Reduction-in-force.
- Disability separations.
- Transfers that are alleged to be an unreasonable commute.

Agency Reviews

Salary adjustments (or lack thereof) associated with a change of duties and placement following reversion are issues that shall be reviewed inside the employee's agency. Inclusion in or exclusion of an employee's position in the WMS is also to be reviewed in the employee's agency; however, the employee may ask the Director of the Department of Personnel to review the agency decision.

Each agency is required to develop policies and procedures for conducting reviews. Some may find that an existing grievance procedure may be modified to accomplish this requirement. However, whichever approach is chosen the agency review process must address the following:

- The review process is limited to a maximum of three levels. Fewer levels are fine depending on the needs of the agency.
- Employee requests for review must be in writing and requested within 15 days of the employee's awareness of the action, notification of the action, or implementation of the action, whichever occurs first.

Agencies may choose to conduct meetings with the employee during the review or review relevant documentation only. The agency policy and procedures should reflect which approach (or both) is chosen.

Additionally, each agency is required under WAC 356-56-610 to maintain records of the number, nature, and outcome of reviews. Each agency is responsible for identifying and acting upon patterns or trends that signal problems or training needs among its managers.

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■ Sample Policy on Agency Reviews

Purpose

To establish a timely process to resolve manager disputes at the lowest level possible in the agency. This process is not intended to substitute for, or inhibit, ongoing discussion between managers and their supervisors.

Items Appropriate for Agency Review

Pursuant to WAC 356-56-610, salary adjustments (or lack thereof) associated with a change of duties, placement following reversion, and inclusion in the Washington Management Service shall be reviewed in accordance with this policy. **(These are the review items specified in the WAC. Agencies may wish to add to this list where appropriate).**

Process for Review

Employees must request a review in writing within 15 days of the employee's awareness of the action, notification of the action, or implementation of the action, whichever occurs first. Attempts shall be made during this period of time to bring about an amicable resolution to the dispute.

The manager shall present the review request to his/her immediate supervisor. The request shall be signed by the manager and include specific issues surrounding the action that caused the dispute and the desired remedy. The supervisor shall (meet with and)* respond promptly to the manager in writing indicating the supervisor's decision.

If the above fails to resolve the manager's dispute, then the manager must immediately file a further request to the appropriate assistant director. The assistant director or designee shall (meet with and)* respond promptly to the manager in writing indicating what decision has been reached.

If the manager disagrees with the above decision, the manager may initiate a request for review to the agency head or designee. The agency head or designee shall (meet with and)* respond promptly to the manager in writing indicating what decision has been reached. The agency head or designee decision is final, except on review relating to inclusion in the Washington Management Service (WMS).

If the manager disagrees with the agency decision on inclusion in the WMS, the manager may submit a request to the Director of the Department of Personnel for further review. This request must be in writing within 15 calendar days and clearly state why the definition of manager, as provided in WAC 356-56-002, does or does not apply to the manager's position. This request must be sent to the Director of the Department of Personnel, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500.

***Agencies may add language in () if the agency chooses to conduct meetings with the employee as part of the review process.**

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